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Attorney for Plaintiff, DEBRA HANSEN

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

DEBRA HANSEN,)	Case No.:
)	
Plaintiff,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
vs.)	
)	(Unlawful Debt Collection Practices)
LEADING EDGE RECOVERY)	
)	
SOLUTIONS,)	
)	
Defendant.)	

COMPLAINT

DEBRA HANSEN (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against LEADING EDGE RECOVERY SOLUTIONS (Defendant):

INTRODUCTION

- Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA). According to the FDCPA, the United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the

1 loss of jobs, and to invasions of individual privacy. Congress wrote the FDCPA to
2 eliminate abusive debt collection practices by debt collectors, to insure that those debt
3 collectors who refrain from using abusive debt collection practices are not competitively
4 disadvantaged, and to promote consistent State action to protect consumers against debt
5 collection abuses. *15 U.S.C. 1692(a) – (e)*.

- 6 2. Plaintiff brings this action to challenge Defendant's actions with regard to attempts by
7 Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly owed by
8 Plaintiff, and this conduct caused Plaintiff damages.
- 9 3. Defendant acted through its agents, employees, officers, members, directors, heirs,
10 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
11 insurers.

12 **JURISDICTION AND VENUE**

- 13 4. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such
14 actions may be brought and heard before "any appropriate United States district court
15 without regard to the amount in controversy" and *28 U.S.C. 1367* grants this court
16 supplemental jurisdiction over the state claims contained therein.
- 17 5. Because Defendant maintains a business office and conducts business in the State of
18 Arizona, personal jurisdiction is established.
- 19 6. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.
- 20 7. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

21 **PARTIES**

- 22 8. Plaintiff is a natural person who resides in the city of Surprise, Maricopa County,
23 Arizona and is allegedly obligated to pay a debt and is a "consumer" as that term is
24 defined by *15 U.S.C. 1692a(3)*.
- 25 9. Defendant is a company with its principal place of business in Chicago, Illinois.

1 10. Defendant uses instrumentalities of interstate commerce or the mails in any business the
2 principal purpose of which is the collection of any debts, or who regularly collects or
3 attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or
4 due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.

5 **FACTUAL ALLEGATIONS**

6 11. Defendant constantly and continuously places calls to Plaintiff seeking and demanding
7 payment for an alleged debt.

8 12. Defendant called Plaintiff from telephone number 888-306-0549.

9 13. Defendant placed telephone calls without meaningful disclosure of the caller's identity.

10 14. Defendant failed to identify itself as a debt collector in subsequent communications.

11 **COUNT I**

12 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

13 15. Defendant violated the FDCPA based on the following:

- 14 a. Defendant violated *§1692(d)* of the FDCPA by engaging in conduct the natural
15 consequence of which is to harass, oppress, and abuse Plaintiff.
- 16 b. Defendant violated *§1692d(5)* of the FDCPA by causing a telephone to ring and
17 engaging Plaintiff repeatedly and continuously with the intent to annoy, abuse,
18 and harass.
- 19 c. Defendant violated *§1692d(6)* of the FDCPA by placing telephone calls without
20 meaningful disclosure of the caller's identity;
- 21 d. Defendant violated *§1692e(10)* of the FDCPA by using deceptive means in an
22 attempt to collect a debt by failing to disclose in subsequent communications that
23 the communication is from a debt collector.
24
25

1 e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent
2 communications that the communication is from a debt collector.

3 f. As a direct and proximate result of one or more or all of the statutory violations
4 above Plaintiff has suffered emotional distress (see Exhibit "A").

5 WHEREFORE, Plaintiff, DEBRA HANSEN, respectfully requests judgment be entered
6 against Defendant, LEADING EDGE RECOVERY SOLUTIONS, for the following:

7 16. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection
8 Practices Act,

9 17. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

10 18. Actual damages,

11 19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
12 *15 U.S.C. 1692k*

13 20. Any other relief that this Honorable Court deems appropriate.
14

15 **DEMAND FOR JURY TRIAL**

16 PLEASE TAKE NOTICE that Plaintiff, DEBRA HANSEN, demands a jury trial in this
17 cause of action.

18 RESPECTFULLY SUBMITTED,

19 DATED: August 14, 2009

KROHN & MOSS, LTD.

20 By: /s/ Ryan Lee
21 Ryan Lee
22 Attorney for Plaintiff
23
24
25

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ARIZONA

Plaintiff, DEBRA HANSEN, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DEBRA HANSEN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 8/11/09


DEBRA HANSEN

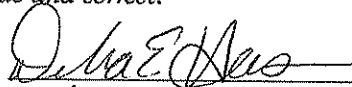
I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

- | | | |
|---|--------------------------------------|-------------------------------------|
| 1. Sleeplessness | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 2. Fear of answering the telephone | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 3. Nervousness | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 4. Fear of answering the door | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 5. Embarrassment when speaking with family or friends | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 6. Depressions (sad, anxious, or "empty" moods) | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 7. Chest pains | <input type="radio"/> YES | <input checked="" type="radio"/> NO |
| 8. Feelings of hopelessness, pessimism | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 9. Feelings of guilt, worthlessness, helplessness | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 10. Appetite and/or weight loss or overeating and weight gain | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 11. Thoughts of death, suicide or suicide attempts | <input type="radio"/> YES | <input checked="" type="radio"/> NO |
| 12. Restlessness or irritability | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 13. Headache, nausea, chronic pain or fatigue | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 14. Negative impact on my job | <input checked="" type="radio"/> YES | <input type="radio"/> NO |
| 15. Negative impact on my relationships | <input checked="" type="radio"/> YES | <input type="radio"/> NO |

Other physical or emotional symptoms you believe are associated with abusive debt collection activities: _____

Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 8/11/09


Signed Name

Debra E. Hansen
Printed Name